

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

The Trustees of Mount Holyoke College

Case 01-RC-304231

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, a private, nonprofit college located in South Hadley, Massachusetts, receives gross annual revenue from all sources (excluding only contributions which are, because of limitation by the grantor, not available for use for operating expenses) of at least \$1 million and annually purchases and receives in South Hadley, Massachusetts goods having a value in excess of \$5,000 directly from points located outside the Commonwealth of Massachusetts.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: Wednesday, November 9, 2022

**HOURS: 12 p.m. - 2 p.m. and
5 p.m. – 7 p.m.**

**PLACE: Chapin Auditorium,
Mount Holyoke College**

The Regional Director has and retains full and complete discretion to determine whether it is unsafe, for any reason, to conduct a manual election on the stipulated date. If the Regional Director determines, after consultations with the parties, that it is unsafe to conduct a manual election on the scheduled date, the Regional Director may exercise their discretion to reschedule the date, time, place of the election and/or manner of election, including converting the election to a mail ballot.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All undergraduate students enrolled at Mount Holyoke College who are employed by the College as Resident Advisors and/or Residential Fellows

Initials: _____

Excluded: All non-student employees, confidential employees, office clerical employees, managers, and guards and supervisors as defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 7, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by United Food and Commercial Workers Union, Local 1459?" The choices on the ballot will be "Yes" or "No".

Initials: _____

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Penny Davis, Associate Vice President for Human Resources: Mount Holyoke College, Human Resources Department, Skinner Hall, Room 1 50 College Street South Hadley MA, 01075 413-538-3626 pdavis@mtholyoke.edu

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

14. OTHER STIPULATIONS. Given the COVID-19 pandemic, in order to protect the voters, observers, Board agent(s), and others during the election and ballot count:

- A. In the polling area, the Employer will provide 5 separate tables that will be placed at least 6 feet apart. The tables will be:
- one for the Employer's Election Observer,
 - one for the Union's Election Observer,
 - one for the Board Agent,
 - one for the ballot box and writing utensils; and
 - the additional table will be for the voting booth.

In the event the space of the room will not allow for five separate tables; the Employer will set the room up to ensure that six feet of space between the voters, the Board Agent, and the Election Observers can be maintained at all times. A chair should be placed at each of the tables for the observers and Board Agent.

- B. The Employer will place markings on the ground throughout the voting areas, and in the immediate vicinity outside of those areas, to ensure proper social distancing for voters and to ensure that the voting lines do not exceed 10 voters at a time.

- C. Ensure the voting area is marked to show a separate entrance and exit for voters with markings on the ground to remind/enforce social distancing and/or sufficient room for voters to maintain 6 feet of space between one another when entering and exiting the voting area.
- D. The Employer will provide sufficient disposable pencils without erasers for each voter to mark their ballot.
- E. The Employer will provide glue sticks or tape to seal challenge ballot envelopes.
- F. The Employer will provide plexiglass barriers of sufficient size to protect the observers and Board Agent, to separate observers and the Board Agent from voters and each other, pre-election conference and ballot count attendees.
- G. The Employer will also provide masks, hand sanitizer, gloves, and an abundant number of sanitizing wipes for the polling area. The Board Agent may sanitize the voting booth after each voter casts a ballot.
- H. All voters, observers, party representatives, and other participants should wear CDC-conforming masks in all phases of the election, including the pre-election conference, in the polling area or while observing the count. Signs should be posted in the polling area and/or immediately adjacent to the Notice of Election to notify voters, observers, party representatives and other participants of this requirement. The Board Agent has the discretion to advise a voter who is not properly masked to leave the voting area and return when properly masked.
- I. An inspection of the polling area will be conducted by video conference at least 24 hours prior to the election so that the Board Agent and parties can view the polling area.
- J. The Employer will provide written certification, (Attachment A of Memorandum GC 20-10) no earlier than 48 hours before the election but no later than 24 hours before the election, certifying in writing:
 - that equipment provided for use in voting (i.e., tables and chairs) is cleaned in conformity with established CDC hygienic and safety standards prior to placement in the polling area.
 - Within the preceding 14 days, the number of individuals have been present in the facility who:
 - have tested positive for COVID-19 within the prior 14 days;
 - are awaiting results of a COVID-19 test;
 - are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, or shortness of breath; or
 - have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19

- K. Each party, party representative and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must certify in writing that, by completing Attachment B of Memorandum GC 20-10, within the preceding 14 days:
- They have not tested positive for COVID-19 within the prior 14 days;
 - They are not awaiting results of a COVID-19 test; or
 - They have not had direct contact with anyone in the previous 14 days who has tested positive for COVID-19
- Individuals who do not provide such certifications will not be permitted to be physically present at the pre-election conference, to serve as an observer, or at the ballot count.
 - Individuals who are not a party, party representative or an observer, must stay at least 15 feet away from the Board Agent at the pre-election conference or the ballot count.
- L. If the above certifications are not timely provided, the Regional Director or designee has the discretion to cancel the election.
- M. Based on the certifications, the Regional Director will consider whether the election should be held as scheduled.
- N. Each party shall be permitted to have only one observer during the election, and the Board Agent will provide each observer with their own copy of the voter list.
- O. Each party is permitted to have one representative attend the pre-election conference and ballot count.
- P. The Board Agent has the discretion to limit attendance at the pre-election conferences and counting of the ballots to the number of people who can maintain 6 feet of space between one another.
- Q. Parties will notify the Regional Director if any participant in the election, including all representatives, observers, and eligible voters, test positive for COVID-19 during the 14 days immediately following the election date.

**THE TRUSTEES OF MOUNT
HOLYOKE COLLEGE**

(Employer)

By: /s/ Rachel Ladeau 10/20/2022
(Signature) (Date)

Print Name: _____

**UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 1459**

(Petitioner)

By: G. Alexander Robertson 10/20/22
(Signature) (Date)

Print Name: _____

(Union)

By: _____
(Signature) (Date)

Print Name: _____

Recommended: /s/ Charlotte Davis 10/20/2022
Charlotte Davis, Field Attorney (Date)

Date approved: October 20, 2022

**Laura A. Sacks, Regional Director
Region One, National Labor Relations Board**

/s/ Dina M. Raimo Pelham

**By: Dina M. Raimo Pelham, Acting Officer-in-Charge
Subregion 34
National Labor Relations Board**